

Exhibit 24

Page 1	Page 3
<p>1 2 3 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK ----- 4 KEITH FISCHER, MICHAEL O'SULLIVAN, JOHN MOESER, LOUIS 5 PIA, THOMAS BARDEN, CONSTANCE MANGAN, and CHARISE JONES, 6 Individually and on behalf of All others similarly situated, 7 Plaintiffs, 8 vs. No. 2:23 Civ. 2848(GRB)(ARL) 9 GOVERNMENT EMPLOYEES INSURANCE 10 COMPANY d/b/a GEICO, 11 Defendant. ----- 12 13 14 15 VIDEOTAPED DEPOSITION OF MICHAEL O'SULLIVAN 16 New York, New York 17 Monday, August 26, 2024 18 19 20 21 22 Reported by: Yaffa Kaplan 23 JOB NO. 11574176 24 25</p>	<p>1 2 A P P E A R A N C E S: 3 4 OUTTEN & GOLDEN LLP 5 Attorneys for Plaintiffs 6 685 Third Avenue, 25th Floor 7 New York, New York 10017 8 BY: SABINE JEAN, ESQ. 9 10 DUANE MORRIS LLP 11 Attorneys for Defendant 12 190 South LaSalle Street, Suite 3700 13 Chicago, Illinois 60603 14 BY: TIFFANY E. ALBERTY, ESQ. 15 16 ALSO PRESENT: 17 JOSEPH BARLETTA - Videographer 18 19 20 21 22 23 24 25</p>
Page 2	Page 4
<p>1 2 August 26, 2024 3 10:00 a.m. 4 5 Deposition of MICHAEL O'SULLIVAN, 6 held at the offices of Esquire Deposition 7 Solutions, 1225 Franklin Avenue, Garden 8 City, New York, pursuant to Replace, before 9 Yaffa Kaplan, a Notary Public of the State 10 of New York. 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 2 IT IS HEREBY STIPULATED AND AGREED, 3 by and between counsel for the respective 4 parties hereto, that the filing, sealing and 5 certification of the within deposition shall 6 be and the same are hereby waived; 7 8 IT IS FURTHER STIPULATED AND AGREED 9 that all objections, except as to the form 10 of the question, shall be reserved to the time of the trial; 11 12 IT IS FURTHER STIPULATED AND AGREED 13 that the within deposition may be signed 14 before any Notary Public with the same force 15 and effect as if signed and sworn to before the Court. 16 17 18 19 20 21 22 23 24 25</p>

Page 29	Page 31
<p>1 M. O'Sullivan</p> <p>2 Q. Yes.</p> <p>3 A. I believe I was 65.</p> <p>4 Q. At any time from when you started, all</p> <p>5 the way until you retired in May of '22, did your</p> <p>6 level ever change?</p> <p>7 A. No.</p> <p>8 Q. Do you know what the other levels would</p> <p>9 have been?</p> <p>10 A. I believe a lead security -- senior</p> <p>11 security lead investigator, is a level 66.</p> <p>12 Q. Do you know if there is any other</p> <p>13 levels? Like level 80 is so-and-so or level 30 is</p> <p>14 so-and-so?</p> <p>15 A. Not that I know of, no.</p> <p>16 Q. What were your duties and</p> <p>17 responsibilities as a senior security investigator?</p> <p>18 A. I was hired by GEICO to be on the</p> <p>19 medical team.</p> <p>20 Q. What does that mean?</p> <p>21 A. I did medical fraud investigations, for</p> <p>22 the most part.</p> <p>23 Q. Were you on the medical fraud team for</p> <p>24 your entire tenure?</p> <p>25 A. Yes. I say yes, but there was a short</p>	<p>1 M. O'Sullivan</p> <p>2 investigator.</p> <p>3 Q. Do you recall if there was any</p> <p>4 difference in title between being a senior field</p> <p>5 security investigator or a senior outside security</p> <p>6 investigator?</p> <p>7 A. I would believe that's the same title.</p> <p>8 Q. Throughout your tenure at GEICO, did you</p> <p>9 ever supervise any employees?</p> <p>10 A. No.</p> <p>11 Q. Were there any requirements for your</p> <p>12 position as a senior security investigator?</p> <p>13 A. Not that I recall. Not that I know of,</p> <p>14 I should say.</p> <p>15 Q. When you first started at GEICO, what</p> <p>16 were your hours?</p> <p>17 A. Basically you worked seven hours, 7.75.</p> <p>18 But it was an eight-and-a-half hour day.</p> <p>19 Q. Did you have specific hours where you</p> <p>20 had to clock in, clock out?</p> <p>21 A. No.</p> <p>22 Q. So for that 7.75 in the day, can you</p> <p>23 allocate the hours to whatever would work that day</p> <p>24 for you?</p> <p>25 A. Yes.</p>
Page 30	Page 32
<p>1 M. O'Sullivan</p> <p>2 period where they tried to integrate everybody into</p> <p>3 doing everything, but it -- I don't think it worked</p> <p>4 out the way they wanted it.</p> <p>5 So we ended up going back to, you know,</p> <p>6 what we call the car guys and medical guys. So I</p> <p>7 went back to the medical side.</p> <p>8 Q. Do you remember when that integration</p> <p>9 occurred?</p> <p>10 A. I have no recollection time-frame-wise.</p> <p>11 Q. When you say the car guys versus the</p> <p>12 medical guys, what is the car guys?</p> <p>13 A. Car guys do investigations. Auto</p> <p>14 accidents. I guess auto damage, auto-body fraud.</p> <p>15 Q. Did you ever have a title as senior</p> <p>16 field security investigator?</p> <p>17 A. I'm sorry, repeat that.</p> <p>18 Q. Sure. Did you ever have the title,</p> <p>19 senior field security investigator?</p> <p>20 A. I believe the title was always senior</p> <p>21 security investigator.</p> <p>22 I don't recall them ever being -- I</p> <p>23 mean, you were considered the field investigator,</p> <p>24 but you -- I believe if you look in the directory,</p> <p>25 company directory, I was a senior security</p>	<p>1 M. O'Sullivan</p> <p>2 Q. Was that considered flextime?</p> <p>3 A. Yes.</p> <p>4 Q. Did you have that flextime ability</p> <p>5 throughout your entire tenure at GEICO?</p> <p>6 A. Yes.</p> <p>7 Q. So focusing merely on that role, the</p> <p>8 2016 until your retirement time frame, who was your</p> <p>9 supervisor?</p> <p>10 A. I had several supervisors. In the '16</p> <p>11 to '22 time frame, I believe I had Dara Campbell,</p> <p>12 Toni D'Agata and Brian Portnoy.</p> <p>13 Q. Do you recall if all three of those</p> <p>14 individuals were your supervisors at the same time?</p> <p>15 A. I'm sorry, if what?</p> <p>16 Q. Sure. So with Dara Campbell, Toni</p> <p>17 D'Agata and Brian Portnoy; were all three of those</p> <p>18 individuals your supervisors at the same time?</p> <p>19 A. Oh, no. No. It's when they realign</p> <p>20 teams, you would be shifted to a different</p> <p>21 supervisor.</p> <p>22 Q. Do you know when that phase out and</p> <p>23 transition would have occurred with the</p> <p>24 supervisors?</p> <p>25 A. I don't recall.</p>

Page 65

1 M. O'Sullivan
2 So it states, "Since" -- sorry, I will
3 wait 'till you get there.
4 It states, "Since January 2020, GEICO
5 classified me and other special investigators as
6 nonexempt employees who were eligible for overtime
7 pay at one-and-one-half times my regular rate if I
8 worked over 40 hours a week."
9 Do you recall what the one-and-one-half
10 times rate would have been at that time?
11 A. No.
12 Q. "That said, prior to January 2020, GEICO
13 classified me and other special investigators as
14 nonexempt employees eligible for overtime pay, but
15 they used a different method of payment. My
16 understanding of this payment method called
17 'premium pay' was that it was less than my regular
18 rate."
19 What was the premium pay amount, if you
20 know?
21 A. No.
22 Q. Where was that -- this -- where does
23 this information come from?
24 Meaning, the change and the payment
25 method type now called premium pay?

Page 66

1 M. O'Sullivan
2 A. I guess it came from management. I
3 don't --
4 Q. Do you know as you sit here today,
5 though? Like, who told you any of this
6 information?
7 A. No. I don't recall actually who
8 furnished me with that information.
9 Q. And I am just trying to understand to do
10 a reflection, which is the premium pay versus the
11 one-and-one-half times regular rate.
12 Do you have any idea what that
13 dollar-amount difference would have been?
14 A. I recall the premium pay was actually
15 less than regular pay. It wasn't even
16 straight-time pay. It was less than regular pay.
17 Q. But do you remember what that amount
18 was?
19 A. No, I don't.
20 Q. Was the premium rate ever indicated on
21 your pay slips?
22 A. I don't -- I don't know. I don't recall
23 how it was indicated on the pay stub.
24 Q. Do you recall seeing any type of written
25 policy regarding the premium pay that you are

Page 67

1 M. O'Sullivan
2 referencing to in paragraph number 5?
3 A. I don't know.
4 Q. As far as when you said management would
5 have provided you this information, as to whom in
6 management? Do you know?
7 A. I don't know.
8 Q. Let's flip to Page Number 3 of your
9 declaration under paragraph 8.
10 So it states, "I only entered 7.75
11 working hours per day, five days a week, regardless
12 of how many hours I actually worked. I only
13 entered this amount of time because I understood,
14 based on conversations with my supervisor, that
15 GEICO would not authorize overtime pay, 'just for
16 typing.' Meaning, writing my case reports as
17 required -- as required by my job."
18 Which supervisor are you referring to in
19 paragraph number 8?
20 A. Brian Portnoy.
21 Q. As to paragraph number 8 for our other
22 supervisors that I believe you testified to, Dara
23 Campbell and Toni D'Agata, do you recall them
24 saying anything to this degree?
25 A. No.

Page 68

1 M. O'Sullivan
2 Q. When did the conversation with Brian
3 Portnoy take place about, "just for typing"?
4 A. I don't recall a time frame.
5 Q. Do you remember if this was over the
6 phone, via text, e-mail?
7 A. I believe it was over the phone.
8 Q. To your knowledge, was anyone else
9 present for this conversation?
10 A. No.
11 Q. Did you have any custom and practice
12 that you would record any conversations with
13 supervisors or other employees of GEICO?
14 A. No.
15 Q. Was this a one-time occurrence?
16 A. Basically, yes.
17 Q. Was there anything else substantively
18 from this conversation that you recall outside of
19 the specifically, just for typing?
20 A. No.
21 Q. Was the reference for just for typing
22 only allocated to the case reports that you would
23 do?
24 A. Yes.
25 Q. And I just want to make sure we are

<p style="text-align: right;">Page 69</p> <p>1 M. O'Sullivan</p> <p>2 talking about the same thing for case reports.</p> <p>3 Were those the same things where you</p> <p>4 made a determination of fraud or not fraud?</p> <p>5 A. Basically summarize the investigation,</p> <p>6 yes.</p> <p>7 Q. Would some case summaries be short?</p> <p>8 A. Most of them were in detail, if the</p> <p>9 interview went forward. The only ones that would</p> <p>10 be shorter is if the interview never went forward</p> <p>11 and deemed the claimant noncooperative.</p> <p>12 Q. In a range, so I have an idea, how many</p> <p>13 pages would your case summaries fluctuate? 1 to</p> <p>14 50? 10?</p> <p>15 A. 1 to 4, 1 to 5.</p> <p>16 (O'Sullivan Exhibit 5, Answers to</p> <p>17 interrogatories, marked for identification, as</p> <p>18 of this date.)</p> <p>19 Q. So what's been placed in front of you</p> <p>20 has been marked as Exhibit Number 5. This is a</p> <p>21 different set of answers to interrogatories which</p> <p>22 GEICO propounded upon you.</p> <p>23 Feel free to take a look and then just</p> <p>24 let me know when you are ready. And similar to the</p> <p>25 declaration, we will look at things specifically,</p>	<p style="text-align: right;">Page 71</p> <p>1 M. O'Sullivan</p> <p>2 Your response says, in relevant parts,</p> <p>3 "That plaintiff further responds, that at least on</p> <p>4 one occasion he called his supervisor, Brian</p> <p>5 Portnoy, requesting overtime due to case write-ups</p> <p>6 he had to complete. And his supervisor responded</p> <p>7 that he can't approve overtime just for typing."</p> <p>8 Is this the same conversation we were</p> <p>9 discussing in paragraph 8 of your declaration?</p> <p>10 A. Yes.</p> <p>11 Q. And again, you recall this was a phone</p> <p>12 conversation, but you don't know when in time it</p> <p>13 was?</p> <p>14 A. I don't recall the time frame.</p> <p>15 Q. Walk me through the overtime process as</p> <p>16 you recall it to be.</p> <p>17 A. As far as what? The policy, if we were</p> <p>18 going to ask for overtime?</p> <p>19 Q. Yes.</p> <p>20 A. If we were going to have to do overtime,</p> <p>21 you had to get supervisor approval.</p> <p>22 Q. Was this always the policy, at least</p> <p>23 from 2016 to '22?</p> <p>24 A. I believe so, yes.</p> <p>25 Q. So during that time period, say you</p>
<p style="text-align: right;">Page 70</p> <p>1 M. O'Sullivan</p> <p>2 but just to familiarize yourself with the document.</p> <p>3 A. Okay.</p> <p>4 Q. Have you seen this before?</p> <p>5 A. Yes.</p> <p>6 Q. All right. And I think similar to</p> <p>7 Exhibit Number 4, go to the last page, Page 17.</p> <p>8 There is a verification page where it looks like</p> <p>9 there is an electronic signature that's dated for</p> <p>10 July 29, 2024.</p> <p>11 Is that your electronic signature?</p> <p>12 A. Yes.</p> <p>13 Q. And similar to your custom and practice</p> <p>14 before, would you review the responses to the</p> <p>15 interrogatories to ensure the correctness before</p> <p>16 you signed the verification page?</p> <p>17 A. I did review them, yes.</p> <p>18 Q. Let's look at interrogatory number 3.</p> <p>19 That's going to be on Page 4, and then the</p> <p>20 responses on 4 and 5.</p> <p>21 The interrogatory states, "Describe in</p> <p>22 detail any oral or written policies or procedures</p> <p>23 that you contend dictated the day-to-day activities</p> <p>24 that you performed during your employment with</p> <p>25 GEICO during the relevant period."</p>	<p style="text-align: right;">Page 72</p> <p>1 M. O'Sullivan</p> <p>2 needed to work more time for your cases, you would</p> <p>3 reach out either to, at that time; Dara Campbell,</p> <p>4 Toni D'Agata or Brian Portnoy?</p> <p>5 A. Actually, really didn't reach out to</p> <p>6 them for overtime. We just -- because it didn't</p> <p>7 seem like the company was going to pay overtime for</p> <p>8 typing, so I just typed my cases as required or as</p> <p>9 needed to get the cases submitted timely.</p> <p>10 Q. Did you ever request OT through those</p> <p>11 supervisors?</p> <p>12 A. Did I ever request what?</p> <p>13 Q. Did you ever request overtime through</p> <p>14 those supervisors?</p> <p>15 A. I don't recall with Campbell or D'Agata.</p> <p>16 Like I said, the one time with Portnoy, it was; he</p> <p>17 can't authorize overtime for typing.</p> <p>18 It was asked once. And once I realized</p> <p>19 it wasn't going to happen, I just did my typing as</p> <p>20 necessary.</p> <p>21 Q. Did you report that conversation that</p> <p>22 you had with Brian Portnoy to anyone else?</p> <p>23 A. Not that I recall.</p> <p>24 Q. I apologize if I am repeating myself.</p> <p>25 To your knowledge, do you recall ever</p>

Page 177

1 M. O'Sullivan
2 MS. ALBERTY: Objection.
3 A. Yes.
4 MS. JEAN: Those are all my questions.
5 MS. ALBERTY: Just a quick follow up.
6 EXAMINATION BY
7 MS. ALBERTY:
8 Q. On the monthly report card, was your
9 manager ever issuing those?
10 A. No, it was done by my immediate
11 supervisor.
12 MS. ALBERTY: Okay. I don't have any
13 other questions.
14 RQ MS. JEAN: I have a few things I want to
15 state on the record in terms of follow up, and
16 we will follow up in writing as well.
17 We would like to request documents
18 regarding underlying training documents from
19 Exhibit 3.
20 Documents listing and/or describing
21 performance metrics and eligibility standards
22 and conditions to receive annual raises.
23 Documents regarding performance
24 evaluations of plaintiff Michael O'Sullivan
25 with any metrics listed, including any


Page 178

1 M. O'Sullivan
2 coaching plan.
3 Any written policy described in
4 performance evaluation metrics and/or a number
5 scale.
6 Any documents involve describing
7 caseload metrics, including time frames for
8 case assignments.
9 Any documents describing productivity
10 metrics.
11 Any monthly report cards issued by your
12 supervisors for Michael O'Sullivan.
13 Any documents for metrics that would
14 require a coaching plan.
15 And any documents referencing
16 time-in-progress compliance or TIP compliance,
17 and any metrics associated with that.
18 MS. ALBERTY: Okay.
19 THE VIDEOGRAPHER: I am going to sign us
20 off.
21 This concludes the video deposition of
22 Michael O'Sullivan. The time now is
23 approximately 3:21 p.m.
24 We are off the record.
25 (Time noted: 3:21 p.m.)

Page 179

1 M. O'Sullivan
2 _____.
3 MICHAEL O'SULLIVAN
4
5 Subscribed and sworn to before me
6 this ____ day of _____, 2024.
7
8 _____
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 180

1 M. O'Sullivan
2 C E R T I F I C A T E
3 STATE OF NEW YORK)
4 : ss.
5 COUNTY OF QUEENS)
6
7 I, YAFFA KAPLAN, a Notary Public
8 within and for the State of New York, do
9 hereby certify:
10 That MICHAEL O'SULLIVAN, the witness
11 whose deposition is hereinbefore set forth,
12 was duly sworn by me and that such
13 deposition is a true record of the
14 testimony given by the witness.
15 I further certify that I am not
16 related to any of the parties to this
17 action by blood or marriage, and that I am
18 in no way interested in the outcome of this
19 matter.
20 IN WITNESS WHEREOF, I have hereunto
21 set my hand this 3rd day of September,
22 2024.
23
24 
25 YAFFA KAPLAN